

Request for Reconsideration
Serial No. 10/695,643
Attorney Docket No. 032057

REMARKS

Claims 1-32 are pending. Claims 17-32 stand withdrawn from further consideration as being directed to a non-elected invention.

Claims 1, 3, 5 and 8 were rejected under 35 USC §103(a) as being unpatentable over Natori et al. in view of Nam. This rejection is respectfully traversed.

The Examiner argues that Natori et al. discloses all the features of the claimed invention except for the required adhesive/insulating layer structure which the Examiner admits that Natori et al. fails to disclose. Nam is cited by the Examiner for its disclosure of an adhesive layer/insulating layer structure.

The combination of Natori et al. and Nam does not teach all of the claimed limitations. In this regard, it appears that the Examiner has mischaracterized the teachings of Natori et al. with respect to the specific claimed ferroelectric layer set forth in claim 1 of the present application. More specifically, the Examiner characterizes Natori et al. as teaching the claimed ABO_3 perovskite structure that contains Ir in at least one of an A site and a B site. In this regard, the Examiner highlights paragraphs 356 and 357 of Natori et al. as disclosing the “iridium based material.”

The iridium-based material noted in paragraph 356 of Natori et al. relates to the upper electrode material, not the material for the ferroelectric layer. Such should be evident from the sentence in paragraph 356 stating “for which an iridium-based material is used as the material for

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the upper electrode 7.” However, such is more evident by reference to the preceding paragraph 355 which states that a short circuit between the upper electrode and the lower electrode occurs considerably when the upper electrode is formed of an iridium-based material (Ir, IrO₂).

Applicants gratefully acknowledge the indication that claims 9-16 have been allowed and that claims 2, 4, 6 and 7 would be allowable if rewritten in independent form. However, for the reasons detailed above, it is believed that all pending claims are in condition for allowance.

If this paper is not timely filed, Applicants respectfully petition for an appropriate extension of time. The fees for such an extension or any other fees that may be due with respect to this paper may be charged to Deposit Account No. 50-2866.

Respectfully submitted,

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